

REMARKS

In the Office Action mailed February 19, 2010 the Examiner noted that claims 1, 5, 8-10 and 12-14 were pending, and rejected all claims. Claims 8-10 have been amended, claims 1-5 and 12-14 have been canceled, and, thus, in view of the forgoing claims 8-10 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejection is traversed below.

Page 6 of the Office Action rejects all claims under 35 U.S.C. § 103 over Arrow and Christensen.

Claim 8 calls for "wherein said filtering information is used for identifying a specific value showing a VoIP performing a VoIP communication". On page 7 the Action acknowledged that Arrow does not teach this feature and looked to Christensen. In particular, the Action notes col. 8, lines 25-43 and col. 10, line 63 – col. 11, line 10.

The first Christensen text noted by the Action particularly states:

The control information may be used to determine a priority level for a received packet. For example, if a received packet comprises an IP packet, monitoring module 318 may determine the priority level for a packet by examining a Differential Services Code Point (DSCP) in the IP header for the packet in accordance with the TCP/IP Specification. If a received packet comprises an RTP packet, monitoring module 318 may examine a priority level identifier in the RTP header for the packet in accordance with the RTP Specification. If a packet comprises a Voice Over IP (VOIP) packet, monitoring module 318 may examine control information in VOIP packets to determine priority level in accordance with the H.323 Specification and SIP Specification. If a packet comprises a frame relay packet, monitoring module 318 may examine control information in frame relay packets to determine priority level in accordance with the FRF.11 Specification. These are just examples and other identifiers from many other protocols may be employed in alternating embodiments.

(See Christensen, col. 8, lines 25-43)

The Action appears to be interpreting the "control information" discussed in the above text as equivalent to the "specific value" of claim 8. It is submitted that these are not equivalent. The control information is priority control information that, as is stated, is used to determine a priority level. In contrast, as stated by claim 8 the specific value is for "showing a VoIP performing a VoIP communication". For this reason, withdrawal of the rejection of claim 8 is requested.

In addition, claim 8 has been clarified to call for:

the specific value showing a VoIP performing said VoIP communication is said filtering information so that said specific value provides functions of both the filtering and having a communication partner recognize the VoIP, simultaneously, where an IPv6 extended header added to an IPv6 header or in a flow label region in an IPv6 header is used to transmit said filtering information so as to prevent the

filtering information from being encrypted, when the packet is a packet in compliance with IPv6
(See Claim 8)

With this clarification it is clear that the "specific value" is not equivalent to the priority control information of Christensen. It is also submitted that the clarification moves the claim further away from any equivalence alleged with the priority control information of Christensen. Withdrawal of the rejection is requested for this reason.

The second Christensen text noted by the Action particularly states

In one embodiment of the invention, the operating parameter may be determined by receiving a packet with an operating parameter identifier. If there is no operating parameter identifier, an operating parameter may be inferred using one or more rules or heuristics as discussed above. The operating parameter identifier may be retrieved from the packet. In one embodiment of the invention, the operating parameter identifier may represent a priority level. More particularly, the operating parameter identifier may be one of a group comprising a DSCP, an RTP identifier, a VOIP identifier and a voice information identifier. The term "voice information identifier" as used herein may refer to any explicit identification that a packet may carry voice and/or video information.
(See Christensen, col. 10, line 63 – col. 11, line 10)

As noted above, the Action appears to be interpreting the control information as equivalent to the specific value. However, the Action also appears to be interpreting the operating parameter identifier, particularly the operating parameter identifier being one of several in a group including the VOIP identifier in the above text, as equivalent to the specific value of claim 8. Clarification of what is being alleged as equivalent is requested.

Even if the operating parameter identifier is being compared to the specific value, particular attention is directed to the explanation that clarifies that the operating parameter identifier is about a priority level is very different from filtering information used for identifying a specific value showing a VoIP performing a VoIP communication as called for in claim 8. Withdrawal of the rejection is requested for this additional reason.

Additionally, as noted above the meaning of the specific value of claim 8 has been clarified and it is submitted that the clarification moves the claim further away from any alleged equivalence associated with the operating parameter identifier of Christensen. Withdrawal of the rejection of claim 8 is requested for this reason.

Claims 9 and 10 emphasize similar features as those discussed above.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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Date: 8/19/10

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